

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA )

v. )

EURIS LANTIGUA MARMOLEJOS )  
& DANIEL PEREZ ALVARADO )

Defendants. )

Case No. 8:24-MJ-392 (GLF)

U.S. DISTRICT COURT - N.D. OF N.Y.
<b>FILED</b>
AUG 27 2024
AT _____ O'CLOCK _____
John M. Domurad, Clerk - Plattsburgh

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of August 25, 2024, in the county of Franklin in the Northern District of New York the defendant violated:

*Code Section*

8 U.S.C. § 1325(a)(2)

*Offense Description*

The defendants, aliens and citizens of Mexico, unlawfully eluded examination and inspection by Immigration officials by entering the United States at a place not authorized for the entrance of immigrants.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

8/26/2024 1:40PM

*D. Matthews**Complainant's signature*

U.S. Border Patrol Agent Dustin M. Matthews

*Printed name and title*

Attested to by the Affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: August 27, 2024*Gary L. Favro**Judge's signature*City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

*Printed name and title*

*United States of America v. LANTIGUA MARMOLEJOS & PEREZ ALVARADO.*

This criminal complaint is based on the following facts:

On August 25, 2024 at approximately 1:33 AM, Swanton Sector Radio Dispatch (KAD 640) advised Burke Border Patrol Agents (BPA), of multiple images of a small Sport Utility Vehicle (SUV) captured on electronic surveillance equipment driving east and west near Chateaugay, New York in close proximity to the Canada/United States International Boundary. Agents of the Burke Station acknowledged this radio traffic and traveled to the area to conduct surveillance on common routes used by vehicles that are engaging in illicit cross-border activity in this area, such as human smuggling.

As an agent was approaching the intersection of State Route (SR) 11 and SR 374 in Chateaugay, the agent observed a blue SUV that matched the description that KAD 640 had previously alerted agents to. The agent observed the SUV drive south on SR 374, which runs north and south through Chateaugay and continues to the Chateaugay Port of Entry and continue across SR 11, which runs east and west. Based on my training and experience, I know this is a common route for vehicles engaged in illicit cross-border activity that are looking to quickly leave the area.

Due to the SUV's matching description, the time of night, foggy windows, and direction of travel, agents decided to follow the vehicle southbound on SR 374. Once the agent was behind the SUV, it began traveling at a much lower speed and intermittently tapping the brakes. Agents observed that the vehicle was a blue Mitsubishi Outlander Sport bearing Wisconsin license plate AUW3700. Historically, out-of-state vehicles encountered in this area are often used for human smuggling. Upon request, KAD 640 advised that there were no recent records of the plate legally crossing into the United States.

Due to the compiling suspicion observed throughout this encounter, agents activated their overhead emergency equipment to initiate a traffic stop. The SUV immediately yielded to the side of the road on SR 374 just north of the Town of Brainardsville, New York.

As agents approached the vehicle, they observed that the rear windows were densely fogged, and two rear passengers were now visible with multiple bags. Agents approached the driver's window and identified themselves as United States Border Patrol Agents. The driver, later identified with initials (E.E.P.G.) was visibly nervous and had one hand white knuckling the steering wheel. (E.E.P.G.) was asked where he was headed to in which he rolled his eyes, pointed forward, and said "I don't know, there.". While answering, (E.E.P.G.) was attempting to manipulate his cell phone in a manner that appeared he was trying to swipe something off his screen. He was then asked where he was coming from to which he started to nervously look around and shift his body. (E.E.P.G.) was then asked where he lives to which he replied "Wisconsin". (E.E.P.G.) then handed agents a New York State driver's license. Agents noticed that his license displayed an address in Albany, New York. (E.E.P.G.) was then asked where he was born, to which he replied "Ecuador". He was then asked if he had any immigration documentation to be in The United States legally, which he replied "No.". Agents could now more clearly see that the two rear passengers clothing and shoes were soaked with water and that they were covered with dirt and brush. Based on my training and experience this is typical of someone who had just entered The United States illegally by walking through the dense brush. The two passengers in the rear of the vehicle were then asked where they were born. One subject later identified as Euris LANTIGUA-Marmolejos stated "The Dominican Republic" and another subject later identified as Daniel PEREZ-Alvarado stated "Mexico". Both rear passengers were asked if they were present in The United States illegally, to which they both replied "Yes".

All subjects were removed from the vehicle and transported to the Burke Border Patrol Station for further processing, record checks and interviews.

*United States of America v. LANTIGUA MARMOLEJOS & PEREZ ALVARADO.*

Nationals and Citizens of Mexico and the Dominican Republic are required to apply for a visa if they seek to enter the United States. Mexican & Dominican Republic citizens who are issued a visa by the United States government are required to present the visa and the person's passport to an immigration official at a Port of Entry as he or she seeks admission into the United States. Euris, LANTIGUA-Marmolejos & Daniel, PEREZ-Alvarado do not possess a valid visa and records show that they have not applied for one. If Euris, LANTIGUA-Marmolejos & Daniel, PEREZ-Alvarado had presented themselves to a Port of Entry and asked permission to enter the United States, they would have been denied admission as they do not possess valid United States visas.

At the station, LANTIGUA was read his *Miranda* rights and agreed to speak with agents without an attorney present. LANTIGUA said he flew to Toronto, Canada in June of 2024. LANTIGUA stated that got in contact with a person on Tik Tok to help him cross the border. LANTIGUA said that had to pay \$3,500.00 thirty minutes before he arrived at his destination in the United States. LANTIGUA state that when he got in the vehicle the driver asked if there were more people.

At the station, PEREZ was read his *Miranda* rights and agreed to speak with agents without an attorney present. PEREZ said that he flew to Montreal, Canada in June of 2023. PEREZ stated that he found a contact on Facebook and had to pay \$3,500.00 to cross into the United States. PEREZ gave consent to search his phone and PEREZ provided a picture of the vehicle that would pick him up in the United States. PEREZ stated that the driver was taking him to New York City.